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PART - III

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,

Ashoka Road,

New Delhi—110001

Dated the 6th February, 2013

17th Magha, 1934 (Saka)

NOTIFICATION

The 6th February, 2013.


ORDER

No.3/4/ID/2013/SDR/(MEG).—1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under Section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and

2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card may result in the denial of permission to vote; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Photo Identity Card, where

- provided by the Election Commission at State cost, and that both are to be used together; and
5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and
 6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPIC was taken up, the election machinery of Meghalaya, have issued these cards to all the electors of the State of Meghalaya; and
 7. Whereas, at the general election to the Legislative Assembly of Haryana held in January-March, 2000, and at all general and bye-elections held since then, the Commission had directed that all electors who were issued with EPIC should produce those cards to exercise their franchise at the said elections, and that it would permit the electors who do not have EPIC to vote at the said election, provided their identity is otherwise established by production of alternative documents prescribed by the Commission; and
 8. Whereas, electoral roll containing photograph of all electors have been prepared in Meghalaya and the Commission has introduced distribution of 'Authenticated Photo Voter Slips' to all the electors by election machinery before every election in Meghalaya;
 9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in each of the 60 Assembly Constituencies, in Meghalaya for the general election notified on 30th January, 2013, shall produce their EPIC for establishing their identity before casting their votes. Electors who fail to produce EPIC shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations;
 10. Notwithstanding anything in Para 9 above, Overseas electors who are registered in the electoral rolls under Section 20A of the Representation of the People Act, 1950 based on the particulars in their passport, shall be identified on the basis of their original passport only (and no other identity document) in the polling station;

By order,


(Ashish Chakraborty)
Secretary